

REMARKS/ARGUMENTS

In the Office Action, the Examiner allowed claims 24-26, 39-41, 43-45, and 47; rejected claims 1-6, 11-16, 21, 29-33, and 46 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczky* (U.S. Patent No. 6,205,150) in view of *Yin* (U.S. Patent No. 5,926,458), and further in view of *Ayres* (U.S. Patent No. 6,597,699); rejected claims 7-10, 17-20, and 34-37 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczky* and *Yin* in view of *Ayres* and further in view of *Yin et al.* (U.S. Patent No. 6,442,138); and also rejected claims 22, 23, 27, 28, 38, and 42 under 35 U.S.C. 103(a) as being unpatentable over *Ruszczky* and *Yin* and in view of *Yin et al.* further in view of *Ayres*. The rejections are fully traversed below. Reconsideration of the application is respectfully requested based on the following remarks. Claims 1, 11, 21, 22, 27, 28, and 46 have been amended to further clarify the invention. Accordingly, claims 1-47 remain pending in this application.

PATENTABILITY OF CLAIMS 1-23, 27-38, 42, and 46

Claim 1 is directed to providing load information within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 1 as amended requires, among other things, "periodically transmitting one or more tickets to the destination to indicate the load value for each of the one or more service classes, wherein the one or more tickets are configured to allow dynamic resource allocation between service classes on a per stream basis". One example of dynamic resource allocation between service classes on a per stream basis can be found in allowable claim 24. Support for the amendment may be found in the specification on page 10, lines 10-17; page 15, line 17 to page 17, line 5; figure 4; and elsewhere. Claims 11, 21, and 46 require a similar limitation as noted for claim 1.

Claim 22 is directed to allocating resource to one or more data streams within a network having a plurality of ingress routers, a plurality of core routers, and a plurality of egress routers. Claim 22 as amended requires, among other things, "dynamically allocating resources between the streams of different service classes based on the one or more received tickets". One example of dynamically allocating resources between the streams of different service classes based on the one or more received tickets can be found in allowable claim 24. Support for the amendment may be found in the specification on page 10, lines 10-17; page 15, line 17 to page 17, line 5; figure 4; and elsewhere. Claims 27 and 28 require a similar limitation as noted for claim 22.

In contrast, the Examiner cited *Yin et al.* as disclosing some form of allocation of resources. In particular, *Yin et al.* discloses using an allocation factor to “determine bandwidth allocation among the various service classes” and “[e]ach service class *i* has an associated allocation factor, $f(i)$ ” *Yin et al.* also discloses that “[t]he allocation factor for each service class is dynamic” such that “the allocation factors may change in response to measured traffic flow for each service class”. (See column 7, lines 19-35) However, *Yin et al.* merely discloses allocating bandwidth for each individual class and not allocating resources between multiple classes, much less allocating between service classes on a per stream basis or allocating between the streams of different service classes. For instance, *Yin et al.* fails to disclose allocating resources from streams of one service class to streams of another service class. Accordingly, *Yin et al.* fails to teach or suggest the limitation of “wherein the one or more tickets are configured to allow dynamic resource allocation between service classes on a per stream basis”. Further, *Yin et al.* fails to teach or suggest the limitation of “dynamically allocating resources between the streams of different service classes based on the one or more received tickets”. Similarly, *Ruszczuk, Yin, and Ayres* fail to disclose these limitations. Therefore, it is submitted that claims 1, 11, 21, 22, 27, 28, and 46 are patentably distinct from *Ruszczuk, Yin, Ayres, and Yin et al.*

The Examiner’s rejections of the dependent claims are respectfully traversed. However, to expedite prosecution, all of these claims will not be argued separately. Claims 2-10, 12-20, 23, 29-38, and 42 each depend either directly or indirectly from independent claims 1, 11, 21, 22, 27, or 28 and, therefore, are respectfully submitted to be patentable over cited art for at least the reasons set forth above with respect to claims 1, 11, 21, 22, 27, or 28. Further, the dependent claims require additional elements that when considered in context of the claimed inventions further patentably distinguish the invention from the cited art.

For example, claims 6 and 16 require among other things “wherein the tickets and the streams represented by the tickets are being transmitted to the same destination”. As noted by the Examiner, “*Ruszczuk* fails to disclose ... tickets ... being transmitted to the destination (same)”. Further, *Yin* only discloses transmitting the queue status information on communication link 56 to packet scheduler 28 and transmitting data packets to queue server 54, which is a different destination from that of packet scheduler 28. (See Fig. 2) As such, *Yin* also fails to disclose the limitations of claims 6 and 16.

For another example, claims 10 and 20 require among other things “wherein the tickets facilitate assured forward routing and differentiated services performed by the core router”. The Undersigned was unable to find in the cited art as well as in the Examiner’s citations the teaching

or suggestion of the limitations in claims 10 and 20. The Undersigned respectfully requests that the Examiner specifically point out where in the cited art these limitations are disclosed.

SUMMARY

It is respectfully submitted that all pending claims are allowable and that this case is now in condition for allowance. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

If any fees are due in connection with the filing of this Amendment, the Commissioner is authorized to deduct such fees from the Undersigned's Deposit Account No. 50-0388 (Order No. CISC127).

Respectfully submitted,
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